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CALIFORNIA SUPERIOR COURT
COUNTY OF LOS ANGELES, CENTRAL DISTRICT
DEPARTMENT 45

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

FEB - 8 2016

JAMES WOODS VS. JOH DOE, ET AL
BC589746

Sherri R. Carter, Executive Officer/Clerk
By Daniel Haro, Deputy

ORDER

The Court had issued a tentative order but after oral arguments, took the matter under submission.

After reconsidering the parties' pleadings and arguments, the Court now rules:


The Court affirms its ruling that defendant has met his burden in the 1st Prong. However, it reverses its Order as to the 2nd Prong. The Court finds that plaintiff has met his burden of showing a probability of prevailing.

As contended by plaintiff: Applying the totality of circumstances test, and examining the plain language of the Tweet, it is clear that any reader of the AL False Statement could and indeed must view it as a statement of *fact*. As described by Professor Finegan, AL's use of a prenomial characterization (i.e. "cocaine addict") followed by a proper noun (i.e., "James Woods") is a well-established linguistic structure widely used to characterize people with shorthand *factual* information. Prof. Finegan's opinion that "many if not all readers of the 'cocaine addict' Tweet will understand and interpret Abe List to be making a factual claim about James Woods – namely that he is a cocaine addict" is on an issue of fact. His opinion is sufficiently beyond common experience and assists the trier of fact.

Defendant's objections are overruled.

Therefore, defendant's Special Motion to Strike (CCP 425.15) is DENIED.

IT IS SO ORDERED.
DATED: Feb. 8, 2016



MEL RED RECANA
Judge

C E R T I F I C A T E O F M A I L I N G

L.A. Superior Court Central

Civil Division

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